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SCIENTIFIC-ATLANTA, INC.  
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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/896,390

Applicant(s)

RODRIGUEZ ET AL.

Examiner

Michael Van Handel

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

- I. This action is responsive to an Amendment filed 6/12/2006. Claims 1-57 are pending. Claims 1-29, 32-53, 55, 57 are amended. Claim 57 is new.

### *Response to Arguments*

1. Applicant's arguments regarding claims 1, 31, 32, and 57, filed 6/12/2006, have been fully considered, but they are not persuasive.

Regarding claims 1 and 32, the applicant argues that Hassell et al. does not disclose, teach, or suggest a processor configured with a memory to determine a type of portable medium for storing downloaded first recordable media content, the type of portable medium corresponding to a media type of the first recordable media content. The examiner respectfully disagrees. Hassell et al. discloses that upon making a selection for digital recording, the program guide gathers information from the currently loaded digital storage medium, such as the estimated amount of time remaining on the storage medium (p. 4, paragraph 43). Recording schedule screen 80 as shown in Fig. 7a contains a number of pieces of information, including the volume name of the currently loaded volume, an estimate of the amount of time remaining on the volume, and a grid 81 listing the programs currently scheduled for recording (p. 4, paragraph 44). Recording schedule screen 80 of Fig. 7a may also indicate which of the selections currently scheduled for recording will fit on the currently loaded storage medium (p. 5, paragraph 47). Thus, Hassell et al. determines the amount of time remaining on a storage medium, and the

Art Unit: 2623

length of programs scheduled for recording. This meets the limitation of a processor configured with memory to “determine a type of portable medium for storing the downloaded first recordable media content, the type of portable medium corresponding to a media type of the first recordable media content” as currently claimed.

Further regarding claims **1** and **32**, Hassell et al. discloses that a user may transfer programs stored on digital storage device 49 to other volumes of digital storage device 49 or to secondary storage device 47 (p. 8, paragraph 81). The program guide transfers the programs and associated data (if possible) in an appropriate format to secondary program data storage device 47. If secondary storage device 47 is a videocassette recorder, the program guide directs user television equipment 22 to convert the digitally stored program into an appropriate analog format (p. 8, paragraph 82). Transferring the data (e.g. software) associated with a program may not be possible with some analog secondary storage devices, so the program guide accordingly ignores the associated data transfer (p. 8, paragraph 83). Thus, the program guide deems the digitally stored program to be suitable for conversion and storage, whereas the associated data is not. This also meets the discussed limitation as currently claimed.

Furthermore, regarding claims **1** and **32**, the applicant argues that utilizing a medium as selected by the user is not the same as making a determination as to a type of removable medium. The examiner respectfully disagrees. Hassell et al. discloses allowing a user to transfer data between storage devices in multiple places throughout the specification, particularly p. 8, 9, paragraphs 81-83, 85-87, 89, 90, 98, 99. Hassell et al. states that this feature is accessed by issuing appropriate commands with user interface 46 (p. 8, paragraph 81). Despite the user involvement in issuing commands, it is the program guide that implements them. Thus, the

Art Unit: 2623

examiner maintains that Hassell et al. discloses a processor configured to “determine a type of portable medium for storing the downloaded first recordable media content, the type of portable medium corresponding to a media type of the first recordable media content” as currently claimed.

Regarding claim 31, the applicant argues that Russo does not remedy the deficiencies of Hassell et al. Specifically, the applicant argues that in the context of the claimed combination of a similar processor, memory, and storage device located at the cable transmission facility (i.e. headend), the subject matter alleged to be well-known is too specific and too complex for a reasonably skilled person to consider it to be well-known. The examiner respectfully disagrees. Within the same field of endeavor, Russo discloses a system for storing video programming, audio programming, and video games (col. 3, l. 42-45). These program materials may be stored in the program storage unit 14, comprised of an array of disks or magnetic tapes including auto-changer facilities to switch between media (col. 4, l. 10-17). Russo further discloses that this program storage unit 14 could be located at the subscriber site or could be part of a larger storage unit located at the cable transmission provider facility (col. 4, l. 28-35). Since Russo suitably teaches a media archiving system that could be provided at the subscriber site or headend, the examiner maintains that Russo suitably remedies the deficiencies of Hassell et al. and that it further be obvious to modify Hassell et al. in view of Russo in order to reduce the cost of a user's set top box.

Regarding claim 57, the applicant argues that the claim is novel and unobvious in view of the prior art of record. The examiner respectfully disagrees. Hassell et al. discloses a recording schedule screen that lists the programs currently scheduled for recording on digital storage

Art Unit: 2623

device 49 (p. 4, paragraph 44). The user can modify the user fields of the programs scheduled for recording (p. 4, paragraph 45 & Figs. 7a, 7b). This meets the limitation of a processor configured with a memory to “receive into a first section of the memory a first set of characterizing information corresponding to respective recordable media content,” as currently claimed. Hassell et al. further discloses a program listings grid and program listings information screen (Figs. 5a, 6). The examiner notes that the fields for M\*A\*S\*H are different program listing information screen (Fig. 6) than in the selected program listing information screen (Fig. 7b). This meets the limitation of “receive into a second section of the memory a second set of characterizing information corresponding to program information corresponding to television programs, said second set being different than the first set of characterizing information,” as currently claimed. Thus, the examiner maintains that Hassell et al. teaches the limitations of claim 57, as currently claimed.

### ***Claim Objections***

2. Claims **11, 15, 16** objected to because of the following informalities:

Referring to claim **11**, the examiner recommends that the phrase “the user a second genre is presented to the user” be changed to “a second genre is presented to the user.” The examiner addresses the claim in the Office Action below as though the recommended changes have been made.

Referring to claims **15** and **16**, the examiner notes that the phrase “the at least one archive screen” lacks antecedent basis. The claims depend on claim 6, which recites “an archive screen.” The examiner recommends that the phrase of claim 15 be changed to “the archive screen.” The

Art Unit: 2623

examiner addresses the claim in the Office Action below as though the recommended changes have been made.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1, 4-17, 19-25, 27, 29, 30, 32, 42-49, 51-57** are rejected under 35 U.S.C. 102(e) as being anticipated by Hassell et al.

Referring to claims **1, 17, 32, 52, and 56**, Hassell et al. discloses a recordable media content archiving system/method in a subscriber network, said recordable media content archiving system/method comprising:

- a memory for storing recordable media content characterizing information (p. 1, paragraph 8 & p. 2, paragraphs 17, 18);
- a storage device for storing a plurality of portable mediums (p. 2, paragraph 20 & p. 8, paragraph 89); and
- a processor configured with the memory to:

Art Unit: 2623

- receive into the memory characterizing information corresponding to respective recordable media content (p. 1, paragraph 8 & p. 2, paragraphs 17, 18);
- provide a user interface with at least a portion of the received characterizing information, said portion corresponding to a first recordable media content (p. 1, paragraph 8; p. 3, paragraphs 27, 29; & p. 4, paragraph 37);
- download the first recordable content via the subscriber network from a server responsive to a first user input selecting the first recordable media content from the user interface (p. 4, paragraphs 41-42);
- determine a type of portable medium for storing the downloaded first recordable media content, the type of portable medium corresponding to a media type of the first recordable media content (p. 4, paragraphs 43, 44; p. 5, paragraph 47; & p. 8, 9, paragraphs 81-83, 85-87, 89, 90, 98, 99); and
- store into at least one of the portable mediums downloaded first recordable media content, the at least one of the portable mediums corresponding to the media type of the first recordable media content (this limitation is met by the above cited paragraphs).

Referring to claims 4, 46, and 47 Hassell et al. discloses the system/method of claims 1 and 32, respectively, wherein the processor is further configured to store recordable media content characterizing information corresponding to the first recordable media content in the type of portable medium corresponding to the media type of the first recordable media content (p. 8, paragraph 82).



Referring to claim 5, Hassell et al. discloses the system of claim 1, wherein the storing into the at least one of the portable mediums of the downloaded first recordable media content corresponds to an archiving operation (the examiner notes that the user can transfer programs stored on digital storage device 49 to other volumes of digital storage device 49 or to secondary storage device 47. The examiner interprets this functionality as being the equivalent of an archiving operation.)(p. 8, paragraph 81).

Referring to claim 6, Hassell et al. discloses the system of claim 5, wherein an archive screen with pre-configured categories is presented to a user prior to storing the downloaded first recordable media content in the at least one of the portable mediums (p. 4, paragraph 37; p. 5, paragraph 52; & p. 8, paragraphs 81, 82).

Referring to claim 7, Hassell et al. discloses the system of claim 6, wherein a default is presented to the user for a first pre-configured category (the examiner notes that pre-configured categories for M\*A\*S\*H are comedy and war)(p. 4, paragraph 45 & Fig. 7b).

Referring to claim 8, Hassell et al. discloses the system of claim 7, wherein the first pre-configured category corresponds to genre (Fig. 7b).

Referring to claim 9, Hassell et al. discloses the system of claim 8, wherein the default presented to the user is a first genre associated with the downloaded first recordable media content (Fig. 7b).

Referring to claim 10, Hassell et al. discloses the system of claim 9, wherein the first genre is a portion of the received characterizing information corresponding to the first recordable media content (p. 3, paragraph 35).

Referring to claim **11**, Hassell et al. discloses the system of claim 10, wherein a second genre is presented to a user that is different than the first genre (the user may edit the contents of a user category field 86)(p. 4, paragraph 45 & Fig. 7b).

Referring to claim **12**, Hassell et al. discloses the system of claim 11, wherein the received characterizing information corresponding to the first recordable media content is modified to include the second genre (Fig. 7b).

Referring to claims **13** and **42**, Hassell et al. discloses the system/method of claims 6 and 32, respectively, wherein the archive screen is configured to enable the user to edit the defaults for the pre-configured categories (p. 4, paragraph 45 & Fig. 7b).

Referring to claims **14**, **43**, and **44**, Hassell et al. discloses the system/method of claims 6 and 32, respectively, wherein a second archive screen is configured to enable the user to search for recordable media among the plurality of portable mediums in the storage device (p. 8, paragraphs 85-87 & Fig. 13).

Referring to claim **15**, Hassell et al. discloses the system of claim 6, wherein the archive screen is configured to enable the user to search for characterizing information corresponding to the recordable media content among the plurality of portable mediums stored in the storage device (p. 8, 9, paragraphs 85-90 & Fig. 13).

Referring to claims **16** and **45**, Hassell et al. discloses the system/method of claims 6 and 32, respectively, wherein the archive screen is configured to enable the user to create personalized categories (the user may edit the contents of a user category field 86)(p. 4, paragraph 45 & Fig. 7b).

Referring to claim **19**, Hassell et al. discloses the system of claim 1, wherein the processor is further configured to determine if the proper portable medium is loaded in the storage device (p. 4, paragraph 44; p. 5, paragraph 47; p. 8, paragraphs 81-83, 89).

Referring to claims **20** and **48**, Hassell et al. discloses the system/method of claims 19 and 32, respectively, wherein the processor is configured to automatically load the proper portable medium of the storage device (p. 8, paragraph 89).

Referring to claim **21**, Hassell et al. discloses the system of claim 20, wherein the proper portable medium is categorized by title type (p. 8, paragraph 89).

Referring to claims **22** and **55**, Hassell et al. discloses the system/method of claims 21 and 32, respectively, wherein the processor is further configured to load the portable medium of the storage device with a title type corresponding to the first recordable media content (p. 8, paragraph 89).

Referring to claim **23** and **49**, Hassell et al. discloses the system/method of claims 1 and 32, respectively, wherein the processor is further configured to prompt the user to load the proper portable medium of the storage device (p. 8, paragraph 89 & p. 10, paragraph 109).

Referring to claims **24** and **54**, Hassell et al. discloses the system/method of claims 1 and 32, respectively, wherein the processor is further configured to receive user input from a remote control device (p. 2, paragraph 19; p. 8, paragraph 85; & Fig. 2).

Referring to claim **25**, Hassell et al. discloses the system of claim 1, wherein the processor is further configured to categorize the first recordable media content and the portable medium by a user providing the first user input (p. 4, paragraph 45 & Fig. 7b).

Referring to claims **27** and **51**, Hassell et al. discloses the system/method of claims 1 and 32, respectively, wherein at least one of the recordable media content in the portable mediums located in the storage device have authorized access locks (p. 9, paragraphs 94, 99).

Referring to claim **29**, Hassell et al. discloses the system of claim 1, wherein the processor is further configured to enable a user to categorize recordable media content, and the plurality of portable mediums that store the recordable media content, into a structured archive, wherein the processor is further configured to receive the downloaded first recordable media content into at least one of the portable mediums with characterizing information matching the downloaded first recordable media content (p. 4, paragraph 45 & Fig. 7b).

Referring to claim **30**, Hassell et al. discloses the system of claim 1, wherein the processor, the memory, and the storage device are located in a set top box (p. 2, paragraph 19).

Referring to claim **53**, Hassell et al. discloses the method of claim 32, wherein the downloading step further comprises the step of receiving the recordable media content from a remote device external to the subscriber network television system (p. 1, 2, paragraphs 16, 17).

Referring to claim **57**, Hassell et al. discloses a recordable media content archiving system in a subscriber network, said recordable media content archiving system comprising:

- a memory for storing recordable media content characterizing information (p. 1, paragraph 8 & p. 2, paragraphs 17, 18);
- a storage device for storing a plurality of portable mediums (p. 2, paragraph 20 & p. 8, paragraph 89); and
- a processor configured with the memory to:

Art Unit: 2623

- receive into a first section of the memory a first set of characterizing information corresponding to respective recordable media content (p. 4, paragraphs 44, 45);
- receive into a second section of the memory a second set of characterizing information corresponding to program information corresponding to television programs, said second set being different than the first set of characterizing information (p. 1, paragraph 8 & p. 2, paragraphs 17, 18);
- provide a user interface with at least a portion of the received first set of characterizing information (p. 4, paragraphs 44, 45);
- download recordable media content corresponding to first set of characterizing information (p. 4, paragraphs 41-46); and
- provide archiving information for download recordable media content (p. 4, paragraphs 43, 44; p. 5, paragraph 47; & p. 8, 9, paragraphs 81-83, 85-87, 89, 90, 98, 99).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 26, 33-35, 37, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hassell et al. in view of LaJoie et al.

Referring to claims **2**, **26**, **33-35**, and **50** Hassell et al. discloses the system/method of claims 1, 25, and 32, wherein the first user input corresponds to a desire for personal possession of the first recordable media content (p. 4, paragraphs 41-42). Hassell et al. does not disclose that the first user input corresponds to a purchase. LaJoie et al. discloses a user input for purchasing an Impulse Pay-Per-View (IPPV) event for recording (col. 21, l. 42-49). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Hassell et al. to include a user input for purchasing an event for recording, such as that taught by LaJoie et al. in order to provide a full service television system capable of delivery advanced television services (LaJoie et al. col. 1, l. 43-45).

Referring to claim **37**, the combination of Hassell et al. and LaJoie et al. teaches the method of claim 35, wherein the first recordable media content corresponds to movies and wherein the storing step further includes a capability for archiving movies (Hassell et al. p. 4, paragraph 38).

4. Claims **3**, **36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hassell et al. in view of LaJoie et al. and further in view of Lewis.

Referring to claim **3**, the combination of Hassell et al. and LaJoie et al. teaches the system of claim 2. The combination of Hassell et al. and LaJoie et al. does not teach that the recordable media content characterizing information is received into memory periodically. Lewis discloses a local Audio/Video Processor Recorder-player (VPR/DMS) unit that interfaces with an Account-Transaction Server (ATS) to establish a two-way communication with a broadcaster/content provider and updates itself at regular intervals, providing the home user with

Art Unit: 2623

the latest available rental/purchase information (p. 20, paragraph 203). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Hassell et al. and LaJoie et al. to include updating rental/purchase information at regular intervals, such as that taught by Lewis in order to conserve bandwidth.

Referring to claim **36**, the combination of Hassell et al. and LaJoie et al. teaches the method of claim 35. The combination of Hassell et al. and LaJoie et al. does not teach that the first recordable media content corresponds to music. Lewis discloses a VPR/DMS that can receive and store Musical recordings (p. 16, paragraph 167). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Hassell et al. and LaJoie et al. to include distributing recordable Musical recordings, such as that taught by Lewis in order to provide a user with a greater number of services.

5. Claim **18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hassell et al.

Referring to claim **18**, Hassell et al. discloses the system of claim 1. Hassell et al. does not disclose that the processor is configured to receive the downloaded first recordable media content from the server through an exclusive network session; however, the examiner takes Official Notice that it is notoriously well known within the prior art to distribute content from a server to a single client in response to that client's request for content. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Hassell et al. to include distributing content from a server to a single client in response to that client's request for content, such as that taught by the prior art in order to allow the user to access the content as quickly as possible.

6. Claim **28** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hassell et al. in view of Browne et al.

Referring to claim **28**, Hassell et al. discloses the system of claim 27. Hassell et al. does not disclose that the authorized access locks have corresponding icons displayed on one of a plurality of screen displays to alert the user to a requirement for authorized access. Browne et al. discloses the use of icons to alert the user of access locks (Fig. 6). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the parental control features of Hassell et al. to include icons to alert the user of control features, such as that taught by Browne et al. in order to provide a more user-friendly interface.

7. Claims **31** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hassell et al. in view of Russo.

Referring to claim **31**, Hassell et al. discloses the system of claim 1. Hassell et al. does not disclose that the processor, the memory, and the storage device are located in a headend. Russo discloses storing selected program materials in a program storage unit 14, wherein the storage technique employed includes recording data compressed information on arrays of disks or magnetic tapes, including auto-changer facilities to switching between media (col. 4, l. 10-21). Russo further discloses that the program storage unit 14 can be located at either the subscriber site or could be part of a larger storage unit located at the cable transmission facility (col. 4, l. 28-44). It would have been obvious to one of ordinary skill in the art at the time that the invention



Art Unit: 2623

was made to modify Hassell et al. to include a program storage unit 14 at the transmission facility, such as that taught by Russo in order to reduce the cost of a user's set top box.

8. Claims **38-41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hassell et al. in view of Lewis.

Referring to claim **38**, Hassell et al. discloses the method of claim 32. Hassell et al. does not disclose that the storing step includes a capability for archiving music. Lewis discloses a VPR/DMS that can receive and store Musical recordings (p. 16, paragraph 167). Lewis further discloses that data stored on the built-in storage device 14 may be archived on a portable medium via portable recorder/player 19 (p. 16, 17, paragraph 160). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Hassell et al. to include receiving, storing, and archiving Musical recordings, such as that taught by Lewis in order to provide a user with a greater number of services.

Referring to claim **39**, the combination of Hassell et al. and Lewis teach the method of claim 38, wherein the storing step further includes a capability for archiving movies (Hassell et al. p. 4, paragraph 38).

Referring to claim **40**, the combination of Hassell et al. and Lewis teach the method of claim 38. Hassell et al. does not disclose that the storing step further includes a capability for archiving games. Lewis discloses a VPR/DMS that can receive and store video games (p. 19, 20, paragraph 201; p. 21, paragraph 218; & p. 22, paragraph 222). Lewis further discloses that data stored on the built-in storage device 14 may be archived on a portable medium via portable recorder/player 19 (p. 16, 17, paragraph 160). It would have been obvious to one of ordinary

Art Unit: 2623

skill in the art at the time that the invention was made to modify Hassell et al. to include receiving, storing, and archiving video games, such as that taught by Lewis in order to provide a user with a greater number of services.

Referring to claim 41, the combination of Hassell et al. and Lewis teach the method of claim 38. Hassell et al. does not disclose that the storing step further includes a capability for archiving software. Lewis discloses a VPR/DMS that can receive and store software (p. 22, paragraphs 220, 222). Lewis further discloses that data stored on the built-in storage device 14 may be archived on a portable medium via portable recorder/player 19 (p. 16, 17, paragraph 160). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Hassell et al. to include receiving, storing, and archiving software, such as that taught by Lewis in order to provide a user with a greater number of services.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2623

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571.272.7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Van Handel  
Examiner  
Art Unit 2623

MVH

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600